

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

KAREN KREBS,

Plaintiff,

v.

Case No. 2:19-CV-634-JPS

MICHAEL GRAVELEY,
in his official capacity as the District
Attorney of Kenosha County, Wisconsin,

Defendant.

**DEFENDANT'S PROPOSED FINDINGS OF FACT IN SUPPORT OF
HIS MOTION FOR SUMMARY JUDGMENT AND IN RESPONSE TO
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Defendant respectfully submits the following proposed findings of fact in support of his motion for summary judgment and in opposition to Plaintiff's motion for summary judgment.

1. In his capacity as District Attorney for Kenosha County, Wisconsin, Michael Graveley has never initiated a prosecution against an individual for violation of Wis. Stat. § 301.47(2)(a). (Dec. of Counsel ¶ 3, Ex. A ¶ 6.)

2. While Michael Graveley has served as District Attorney for Kenosha County, Wisconsin, no assistant district attorney has ever initiated a

prosecution against an individual for violation of Wis. Stat. § 301.47(2)(a). (Dec. of Counsel ¶ 3, Ex. A ¶ 6.)

3. Plaintiff is free to continue to identify herself as Karen Krebs. (Dkt. 24, Ex. 4 (Knutson Dep. Tr. 46:2–18, 49:10–15, Dec. 18, 2019).)

4. In support of passage of 2003 Assembly Bill 59, which led to the enactment of 2003 Wisconsin Act 52, creating Wis. Stat. § 301.47(2)(a), State Senator Alberta Darling submitted written testimony stating that she believed the bill “will help protect our children from harm and keep our communities safe.” (Dec. of Counsel ¶ 4, Ex. B.)

5. In support of passage of 2003 Assembly Bill 59, which led to the enactment of 2003 Wisconsin Act 52, creating Wis. Stat. § 301.47(2)(a), State Senator Alberta Darling submitted written testimony stating that the Waukesha Police Department encountered a sex offender who changed his name to avoid the registry. (Dec. of Counsel ¶ 4, Ex. B.)

6. In a Fiscal Estimate Narrative to 2003 Assembly Bill 59, the Wisconsin Department of Health and Family Services, at the time the agency required to change the name of a person born in Wisconsin if directed to by a court, estimated that, if enacted into law, would prohibit approximately 5 sex offenders per year from changing their name. (Dec. of Counsel ¶ 5, Ex. C.)

7. As Director of the Sex Offender Registry Programs for the Department of Corrections, Grace Knutson oversees the sex offender registry,

the community notification process, and the electronic monitoring center. (Dkt. 24, Ex. 4 (Knutson Dep. Tr. 8:18–22, Dec. 18, 2019).)

8. As part of the sex offender registry, there is a public-facing website, a law enforcement website, and a victim-specific website. (Dkt. 24, Ex. 4 (Knutson Dep. Tr. 12:5–6, 17–20, Dec. 18, 2019).)

9. Knutson believes that the purposes of the sex offender registry are to keep the public informed and aware of sex offenders, and to educate the public, through law enforcement sharing information. (Dkt. 24, Ex. 4 (Knutson Dep. Tr. 16:25–17:1, 21:18–24, 22:10–13, 18–23, 23:8–10, Dec. 18, 2019).)

10. Local law enforcement makes targeted (e.g., communciation to a youth-serving organization) and community-wide (e.g., door-to-door fliers, press release) notifications about sex offenders. (Dkt. 24, Ex. 4 (Knutson Dep. Tr. 24:18–25:20, Dec. 18, 2019).)

11. Knutson and her staff educate the public about the sex offender registry through training and presentations, and also by distributing publications to the public. (Dkt. 24, Ex. 4 (Knutson Dep. Tr. 27:17–25, Dec. 18, 2019).)

12. If a sex offender registrant, who registered prior to the enactment of Wis. Stat. § 301.47(a)(2), identifies to the Department of Corrections that other persons are calling him or her a name other than their legal name and aliases previously reported, that registrant may not use that name and should

tell others not to use that name. (Dkt. 24, Ex. 4 (Knutson Dep. Tr. 55:10–14, Dec. 18, 2019).)

Dated this 24th day of January, 2020.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

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